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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,051	07/30/2003	Steve Gronemeyer	ST02009CIP	9974
7590		11/13/2007		
Jennifer H. Hammond				
The Eclipse Group				
10453 Raintree Lane				
Northridge, CA 91326				
			EXAMINER	
			NGUYEN, DUC M	
			ART UNIT	PAPER NUMBER
			2618	
			MAIL DATE	DELIVERY MODE
			11/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/632,051	Applicant(s) GRONEMEYER ET AL.	
	Examiner Duc M. Nguyen	Art Unit 2618	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 21.
Claim(s) rejected: 1-20, 22-33.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see the attached "Response to Argument"...
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed 10/9/07 have been fully considered but they are not persuasive.

In the response filed 10/9/07, Applicant contends that

The Examiner rejected claims 1-13 under 35 U.S.C. 103(a) as being unpatentable by Kerth et al (US 2002/0132648) in view of Molnar (US 2002/0142741). The Examiner notes to Kerth for teaching that "the transceiver disables the transmitter circuitry during the receiver mode of operation" and that "the clock signal CKN and CKP are turned off when the transmitter circuitry is transmitting signal." (see [0096, 0097]). The Examiner then goes on to make the statement that one skilled in the art would recognize that the "disable of transmitter circuitry" would associate with power consumption of the RF section in the similar way as disclosed by Molnar.

But, the Kerth patent states in paragraph [0096] that "[a]s noted above, the transceiver disable the transmitter circuitry during the receive mode of operation." There is no mention or suggestion of power consumption in the Kerth patent. More importantly, there Kerth patent is not suggesting or teaching powering down the transmitter circuitry, but rather DISABLING the transmitter circuitry. Thus, one skilled in the art would not look to DISABLING the transmitter as being associated with power consumption. If anything, a person skilled in the art may look at the transceiver of the Kerth patent as musing some of the circuits for both transmitting and receiving while other circuits are disabled.

Therefore, the combination of the Kerth patent with the Molnar patent fails to teach all of Applicant's claim limitation. The Kerth patent describes disabling circuits when the mode of the transceiver is changed from receive to transmit, not changing communicating a power control message associated with the power consumption of the RF section and there is no motivation to combine the references or likelihood of success in combining the different approaches because dements would still be missing. Thus, claim 1 is in condition for allowance and claims 2-13 that depend from allowable independent claim 1 are also in condition for allowance.

In response, it is noted that Applicant fails to provide reason or does not explain clearly why disabling the transmitter circuitry is NOT associated with power consumption. In fact, the Examiner asserts that disabling the transmitter circuitry is clearly associated with power consumption and would equivalent to power down the transmitter circuitry (i.e, turning off the power amplifier during the receive mode would reduce power consumption of the amplifier circuit of the transmitter).

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For foregoing reasons, the examiner believes that the pending claims are not allowable over the cited prior art.

2. **Any response to this action should be mailed to:**

Box A.F.

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300 (for **formal** communications intended for entry)

(571)-273-7893 (for informal or **draft** communications).

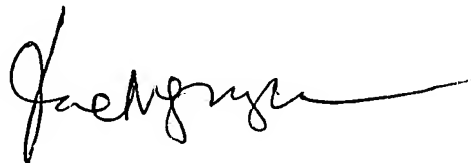
Hand-delivered responses should be brought to Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry concerning this communication or communications from the examiner should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893, Monday-Thursday (9:00 AM - 5:00 PM).

Or to Matthew Anderson (Supervisor) whose telephone number is (571) 272-4177.

Duc M. Nguyen, P.E.

Nov 8, 2007

A handwritten signature in black ink, appearing to read 'Duc M. Nguyen', written over the printed name and date.